

EXHIBIT NO.

2

DATE

2/12/09

BILL NO.

SB385

IS THE VEHICLE SM ?

Specific questions will help to determine if a given vehicle is, or is not, special mobile.

First, does the vehicle in question fall under any other statutory vehicle definition? If the answer is yes, then the vehicle is not SM, and will be licensed under the appropriate statute.

If the answer is no, and the vehicle is not specifically addressed under 61-1-104, MCA (as defined earlier), ask the following four questions. If more than two of the answers indicate that the vehicle is SM, then license the vehicle as special mobile. Likewise, if more than two of the answers indicate that the vehicle is not SM, then do not SM license the vehicle.

QUESTIONS

- 1) Is the vehicle designed to transport persons or property on the highways?

"Yes" means the vehicle probably is not SM.

"No" means the vehicle probably is SM.

- 2) Is the vehicle's movement over the highway, taking place only because the vehicle must be relocated (i.e. from one work site to another)?

"Yes" means the vehicle probably is SM.

"No" means the vehicle probably is not SM.

- 3) Does the vehicle spend the majority of it's time on the highway?

NOT even  
Close

"Yes" means the vehicle probably is not SM.

"No" means the vehicle probably is SM.

- 4) If equipment or property is mounted on the vehicle, is that equipment or property specifically addressed in 61-1-104, MCA?

"Yes" means the vehicle probably is SM.

"No" means the vehicle probably is not SM.

## Commercial Motor Vehicle

- 61-1-134 Defines a Commercial Motor Vehicle
- 61-1-135 Defines a Commercial Drivers license
- CFR 383.3 States the applicability of CDL requirements
- CFR 383.5 Defines a Commercial Motor Vehicle (applicability to inspections)

When reading these laws and regulations, they show applicability of Federal Motor Carrier Safety Regulations, and Drivers Licensing of Commercial Motor Vehicles. A Legally SM plated vehicle DOES NOT fall within the definition of a commercial motor vehicle (except for log loaders and fertilizer spreaders).

### WHAT DOES THIS MEAN TO US AS ENFORCEMENT OFFICERS?

- A SM plated vehicles \*DO NOT require an annual inspection
- A SM plated vehicles \*CANNOT be inspected by CVSA standards
- A SM plated vehicles \*ARE NOT required to be driven by divers possessing a ACDL. An SM plated vehicle operated by a driver possessing a valid Aoperator=s drivers license is in legal operation.
- A SM plated vehicles \*DO NOT require the driver to be in possession of a Drivers Record of Duty Status (log book) or Medical Certification.

\*EXCEPT FOR Log Loaders and Fertilizer Spreaders

SM PLATED VEHICLES ARE NOT CONSIDERED TO BE A ACOMMERCIAL MOTOR VEHICLE FOR CDL OR CVSA PURPOSES, with the exception of the following 2 vehicles.

61-1-104 MCA gives log loaders and fertilizer spreaders authority to register and license as Special Mobile equipment. This law is specific in allowing these two types of vehicles status as SM equipment for licensing purposes ONLY. The law does not exempt them from CDL or CVSA requirements.

Log loaders and fertilizer spreaders can be CVSA inspected if they exceed 26,000 pounds.

Log loaders and fertilizer spreaders must be driven by CDL drivers if they exceed 26,000 pounds.

All other legally SM plated vehicles are exempt from CDL and CVSA requirements. Inform the drivers that while this is true for operation in Montana, it may not be the case in other states.